

Preliminary Wetland Permit With a Wetland Variance Type III

Handout #35-D Revised 2/25/04



What is a Wetland Permit?

Clark County's Wetlands Protection Ordinance (WPO), contained within the Clark Code (CCC), Chapter 40.450, is designed to protect jurisdictional wetlands, non-Shoreline designated streams, and wetland buffers. The WPO regulates activities within wetlands and areas immediately surrounding wetlands, called wetland buffers through the wetland permit process. Wetlands located on adjacent properties may affect a subject site due to extension of wetland buffers across property boundaries. A Wetland Permit from Clark County is required for any one of the following:

- A "regulated activity", as defined in the CCC, Section 40.450.010(B)(2), proposed within a primary application which triggers the need for a concurrent wetland review (e.g. subdivision, short plat, site plan, urban grading permit applications), per CCC 40.450.110(1)(a).
- A regulated activity within a wetland or buffer protected by a conservation covenant (CCC 40.450.030(E)(4).
- A regulated activity within a Category 1, 2, or 3 wetland or buffer located in an urban area.

State and federal permits may also be required for proposed work within wetlands.

Wetland permits are usually reviewed under the same process and timeline as the application for the project. It is recommended that wetland permit applications be submitted concurrently with the primary application in order to prevent delays in project approval. A wetland permit application submitted in conjunction with a primary application is not considered a fully complete item for vesting.

What is a Wetland Variance?

The WPO has provisions for variance from the standards of the ordinance if certain criteria can be met [CCC 40.450.040(J)]. The intent of the variance provision is to provide relief in cases where the requirements of the WPO do not allow reasonable economic use and otherwise legal development of a site. All requests for variance from the WPO standards are subject to a Type III review process, which includes a public hearing. The criteria for a Wetland Variance are very stringent and such variances are rarely requested or granted. It is the applicant's burden to prove to the Hearing Examiner that the variance request is warranted.

Is a pre-application conference required?

A pre-application conference is not required prior to submitting a Wetland Permit application. However, wetland permit applications can be complex, especially when a wetland or buffer mitigation plan is required. It is recommended that applicants schedule a pre-wetland application meeting with the County Wetland Biologist, and no fee is involved for the meeting. The meeting is intended to inform the applicant of project feasibility, mitigation options, application requirements, but can not guarantee preliminary wetland permit approval.

What is the application submittal process?

The first step is to submit a completed Preliminary Wetland Permit Application Form and applicable fees, together with the 1 copy of the required submittal items to the Customer Service Center. If the application is submitted at the same time as a primary application, the Wetland Permit Application must be provided as a separate submittal.

What if I didn't submit all of the required information?

The County conducts two application checks to ensure applications are complete before staff begins their review process. Prior to accepting your application, the Customer Service staff will conduct a "**Counter Complete**" review of your submittal package. This review ensures that the required number of copies of items listed within the **Wetland Permit With a Wetland Variance Review Submittal Requirements** have been submitted before accepting your application (see attached submittal list).

Once your application is accepted, copies of the submittal package are routed to the review staff. Staff conducts a second completeness check, known as the "**Fully Complete**" review. This more detailed review ensures that **all bulleted items** listed under the numbered headings of the attached "Wetland Permit Submittal Requirements" have been submitted. As an example, does the "Preliminary Enhancement/Mitigation Plan" have an existing conditions map that shows "topography [at two-foot contour intervals] and existing roads, utilities, and structures", "the ordinary high water mark for all on-site water courses [streams, rivers, etc]", "wetland, buffer and riparian zone boundaries", etc.).

If **all** of the submittal requirements have been met, you will receive a "Fully Complete" determination letter and be vested on the date you submitted the Fully Complete Application. Vesting means that the application will be reviewed under the ordinances that were in effect at the time of the vesting date.

If any required items are missing from your submittal, you will receive a letter of "**Not** Fully Complete," with a list of the missing items. If you have not submitted the requested information within 30 days of this written request, staff will return your application and refund the application fee, less any processing costs incurred to date.

What is a Type III application review and public hearing process?

Proposed Wetland Variances are subject to a Type III review process, which requires a public hearing before the County Hearing Examiner. In making the decision, the Hearing Examiner must determine if the proposed variance meets the requirements of the applicable sections of the Clark County Code (CCC). The decision is made after reviewing the proposal and considering staff's recommendation and testimony from the public. The Hearing Examiner will either approve, approve with conditions, or deny the application. The decision may be appealed to the Board of County Commissioners.

What kind of public notice is provided?

At least 15 calendar days prior to the public hearing date, a notice including the date, time and place of the hearing and describing the proposal will be:

- Posted at the site;
- Published in the newspaper;
- Mailed to property owners within a 300' radius (if within an urban growth boundary), and a 500' radius (if outside an urban growth boundary) of the project site, and,
- Mailed to the applicant.

The notice will invite interested parties to present either oral or written testimony at the hearing.

What is a Staff Report and when will the Decision be made?

A Staff Report will be prepared summarizing staff's review of the proposal against the requirements of the Clark County Code (CCC). Staff will make a recommendation to approve,

approve with conditions or deny the application. This report will be mailed to the applicant at least 14 calendar days prior to the scheduled public hearing on this matter.

When will the public hearing be held?

Within 78 days of a Fully Complete determination, a public hearing will be held before the County's Hearing Examiner to consider the application.

What happens at the public hearing and when do I get to speak?

First, the applicant or their representative will be asked to present an overview of the proposed project to the audience, including those viewing the hearing over CVTV cable access television. The applicant will give a detailed description of the project and design considerations, showing the site plan and other drawings. The overhead or PowerPoint projector can be used by making pre-meeting arrangements.

Once the overview is completed, the applicant may next raise issues regarding the Staff Report and recommendations. This is also the time for the applicant to address issues that they believe may be brought up during the public testimony portion of the hearing, and/or issues they believe the Hearings Examiner may raise.

Once the applicant has completed their presentation, county staff will present an overview of their analysis, findings and recommendation as to whether the application meets or exceeds the approval criteria.

Following the staff presentation, the hearing will be open to the general public for their testimony.

Once all the public testimony has been presented, the applicant will have the opportunity to provide rebuttal testimony.

The Hearing Examiner will then close the public hearing.

When will I receive a decision on my application?

Within 14 calendar days after the date the record closes, the Hearing Examiner will issue a written decision regarding the application. Within 7 calendar days of its issuance, the decision will be mailed to the applicant, parties of record, and neighborhood associations.

Can the decision be appealed?

The Hearing Examiner's decision may be appealed to the Board of County Commissioners by the applicant or a party of record (*i.e.*, someone who presented written or verbal testimony, or signed the hearing sign-in sheet on the specific application). An appellant must submit an appeal application and **\$279** fee within 14 calendar days after the written notice of the decision is mailed.

After the Preliminary Wetland Permit and Wetland Variance is approved, what is next?

After receiving approval of the preliminary wetland permit, the applicant has 3 years to submit an application for Final Wetland Permit Approval. A final Enhancement/Mitigation Plan, which reflects any applicable conditions of approval and/or revisions to the site plan, must be submitted with the Final Wetland Permit Application.

Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code, Chapter 40.450.

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

DEVELOPMENT REVIEW

PRELIMINARY WETLAND PERMIT WITH A WETLAND VARIANCE APPLICATION SUBMITTAL REQUIREMENTS

The following checklist identifies information required to be included with Preliminary Wetland Permit Application. **All** items with a bold underlined space (*i.e.*,) must be submitted before the application will be considered "Counter Complete." **All** items with a box to the left (*i.e.*, ☐) must be submitted before the application will be determined "Fully Complete." All bulleted items (*i.e.*, ♦), must be submitted, as applicable, but are not a "Fully Complete" requirement.

1. **COVER SHEET AND TABLE OF CONTENTS** — Each submittal packet shall contain a cover sheet that contains the project name and applicant's name, address, e-mail address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.
2. **APPLICATION FORM** — The application form shall be completed and original signed in ink by the applicant.
3. **APPLICATION FEE** — The requisite fee for a preliminary wetland permit review shall accompany the application. The check is to be made payable to "Clark County Community Development."
4. **PRE-APPLICATION CONFERENCE REPORT** — A copy of the "Wetland Permit Pre-Application Review" form must be submitted if it has been provided by the County Wetland Biologist.
5. **WETLAND DELINEATION** (3 copies only)
6. **RECENT AERIAL PHOTOGRAPH** — at a scale no smaller than 1" = 400' with the project limits clearly indicated.
7. **VARIANCE NARRATIVE** — Provide a narrative that addresses the wetland variance criteria outlined in CCC, Section 40.450.040(J).
8. **NARRATIVE OF PRELIMINARY ENHANCEMENT/MITIGATION PLAN**
 - ☐ General project description
 - ☐ Description of Existing Conditions Map
 - ☐ Assessment of wetland and buffer functions
 - ☐ Discussion of the exact sites, specifications, and justifications for all proposed regulated activities [per 40.450.010(B)(2)] including the areas (acres), grading volumes (cu. yds. of fill and excavation), and construction methods to be used.
 - ☐ Discussion of avoidance and minimization of impacts
 - ☐ Mitigation goals and objectives
 - ☐ Summary of conceptual mitigation plan

- ◆ Description of wetland types to be created
- ◆ Description of proposed wetland and buffer enhancements
- ◆ Discussion of proposed grading
- ◆ Discussion of hydrology and water sources
- ◆ Discussion of proposed plantings and plant communities

☐ **Project schedule**

- ◆ Description of monitoring and maintenance plans
- ◆ Discussion of contingency plans if performance standards are not met

9. ___ EXISTING CONDITIONS MAP — at a scale no smaller than 1" = 100'

- ☐ **All wetlands, ordinary high water marks, and wetland and/or habitat buffers**
- ☐ **Topography (2 ft. contours minimum) and existing roads, utilities, and structures**
- ☐ **Vegetation coverage (*i.e.* plant communities)**
- ☐ **Soil conditions**

10. ___ PRELIMINARY MITIGATION PLANS AND DRAWINGS — 11" x 17" or 8 1/2" x 11" at a scale no smaller than 1" = 100'

- ☐ **Site plan showing the location, width, depth, and length of all proposed structures, roads, utilities, stormwater management facilities, and wastewater treatment in relation to parcel, wetland, and buffer boundaries**
- ☐ **Summary plan of areas of impact and mitigation plan**
 - ◆ Grading plan for all creation and work within existing wetlands and buffers
 - ◆ Planting plan (*i.e.* species, quantities/densities, stock types, and locations)
 - ◆ Monitoring plan with photo plot locations and photo angles

11. SUBMITTAL COPIES:

___ 1 copy of the submittal and bound separately.

When all required information is submitted with the original application, the applicant will be directed to submit two (2) additional individually bound copies of the submittal.

___ 2 copies of 11" x 17" reduced plans for all sheets larger than 11" x 17."

This application was determined to be Counter Complete on: ___/___/___

Community Development Specialist: _____

TYPE III
PRELIMINARY WETLAND PERMIT WITH A
WETLAND VARIANCE REVIEW FEE SCHEDULE

1 ACRE OF MORE OF TOTAL WETLAND AND/OR BUFFER IMPACT:	\$1,655
LESS THAN 1 ACRE OF TOTAL WETLAND AND/OR BUFFER IMPACT:	\$827
Variance:	\$1,107

DEVELOPMENT REVIEW APPLICATION FORM

(Form DS1000-Revised 12/4/03)



PROJECT NAME:		
TYPE(S) OF APPLICATION (See Reverse Side):		
DESCRIPTION OF PROPOSAL:		
APPLICANT NAME:	Address:	
E-mail Address:	Phone and Fax:	
PROPERTY OWNER NAME (list multiple owners on a separate sheet):	Address:	
E-mail Address:	Phone and Fax:	
CONTACT PERSON NAME (list if not same as APPLICANT):	Address:	
E-mail Address:	Phone and Fax:	
PROJECT SITE INFORMATION: Site Address:	Comp Plan Designation:	
Cross Street:	Zoning:	Serial #'s of Parcels:
Overlay Zones:	Legal:	Acreage of Original Parcels:
Township:	Range:	¼ of Section:

AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the County to enter the properties listed above.

Authorized Signature

Date

Assigned at Customer Service Center	CASE NUMBER:	
	WORK ORDER NUMBER:	

APPLICATION TYPES

If you have any questions regarding the type of application being requested, our Customer Service Center will be happy to assist you.

- ☐ Annual Review
- ☐ Appeal
- ☐ Boundary Line Adjustment and Lot Reconfiguration
- ☐ Conditional Use

Environmental/Critical Areas:

- ☐ Archaeological
- ☐ Critical Aquifer Recharge Area (CARA)
- ☐ Columbia River Gorge
- ☐ Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- ☐ Floodplain
- ☐ Geological
- ☐ Habitat
- ☐ Historic
- ☐ SEPA
- ☐ Shoreline
- ☐ Wetland

Land Division:

- ☐ Binding Site Plan
- ☐ Final Plat
- ☐ Plat Alteration
- ☐ Short Plat (___ Infill)
- ☐ Subdivision (___ Infill)

Miscellaneous:

- ☐ Addressing
- ☐ Accessory Dwelling
- ☐ Covenant Release
- ☐ Garden Shed Setback Waiver
- ☐ Home Occupation
- ☐ Legal Lot Determination & Innocent Purchasers Determination
- ☐ Non-Conforming Use Determination
- ☐ Reconstruct Letter
- ☐ Sewer Waiver
- ☐ Shooting Range
- ☐ Sign

Planning Director Review:

- ☐ Post Decision
- ☐ Pre-Application Conference
- ☐ Pre-Application Waiver
- ☐ Public Interest Exception
- ☐ Similar Use
- ☐ Temporary Use
- ☐ Other

- ☐ Planned Unit Develop/Master Plan
- ☐ Road Modification
- ☐ Site Plan
- ☐ Variance
- ☐ Zone Change